

NOV 13 2018

Clerk, U.S. District Court
District Of Montana
MissoulaIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

CR 17-20-M-DLC

Plaintiff,

ORDER

vs.

WES BRADY JOHNSON,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 23, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

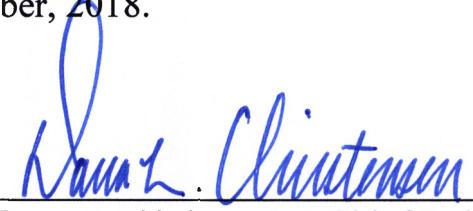
Judge Lynch recommended this Court accept Wes Brady Johnson’s guilty plea after Johnson appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession of child

pornography in violation of 18 U.S.C. § 2252A(a)(5)(B and (b)(2) as set forth in the Superseding Information. Defendant further agrees to the forfeiture allegation in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 31), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Wes Brady Johnson's motion to change plea (Doc. 21) is GRANTED and Wes Brady Johnson is adjudged guilty as charged in the Superseding Information.

DATED this 13th day of November, 2018.



Dana L. Christensen, Chief Judge
United States District Court